



Serial No.: 10/748,394

133996-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

:

Albin Peter Berzinis

: Group Art Unit: 1711

Serial No. 10/748,394

: Examiner: Olga Asinovsky

Filed: May 5, 2004

:

For: IMPACT-MODIFIED COMPOSITIONS AND METHOD

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

S I R:

In the communication mailed June 7, 2005, the Examiner has allowed claims 1, 3-17, 20-33, 35-49 and 52-64 which the Applicant gratefully acknowledges.

In the Examiner's statement of reasons for allowance on page 2, line 1, the Examiner states the following (quote):

- "The present claims have been amended for including the definition of an elastomeric phase based on alkylacrylate monomer and a mixture of monomers in the process steps (a) and (b)."

The Applicant notes that in allowed claim 1 (for example) the elastomeric phase comprises "...a polymer having structural units derived from at least one (C<sub>1</sub>-C<sub>12</sub>)alkyl(meth)acrylate monomer..."

Furthermore, on page 2, four lines from the bottom of the page, the Examiner states the following (quote):

- “There is no motivation or direction in the closest reference to Barghoorn 6,566,457 to define an elastomeric phase (core segment) based on acrylate latex and at least two grafted shell segments, wherein the first grafted shell comprises a monomer mixture of a vinyl aromatic monomer and a monoethylenically unsaturated nitrile monomer, and a second shell comprises a mixture of monomers comprising a vinyl aromatic monomer, at least one monoethylenically unsaturated nitrile monomer and at least one monomer selected from the group consisting of (C<sub>1</sub>-C<sub>12</sub>)alkyl- and aryl-(meth)acrylate monomers.”

The Applicant notes that allowed claim 33 (for example) recites an “...acrylonitrile-styrene-acrylate (ASA) type resin composition comprising a discontinuous elastomeric phase dispersed in a rigid thermoplastic phase, wherein at least a portion of the rigid thermoplastic phase is grafted to the elastomeric phase and wherein the elastomeric phase comprises a polymer having structural units derived from at least one (C<sub>1</sub>-C<sub>12</sub>)alkyl(meth)acrylate monomer, which is prepared by a method comprising the steps of:

- (a) polymerizing a mixture of monomers in a first stage in the presence of the elastomeric phase, at least one of which monomers is selected from the group consisting of vinyl aromatic monomers and at least one of which monomers is selected from the group consisting of monoethylenically unsaturated nitrile monomers, followed by
- (b) polymerizing a mixture of monomers in at least one subsequent stage in the presence of the elastomeric phase from (a), wherein the monomers comprise at least one vinyl aromatic monomer, at least one monoethylenically unsaturated nitrile monomer, and at least one monomer selected from the group consisting of (C<sub>1</sub>-C<sub>12</sub>)alkyl- and aryl-(meth)acrylate monomers.”

The Examiner is invited to telephone the Applicant's agent at the number provided below should any outstanding issues concerning the present application need resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Henry M. Gibson". The signature is fluid and cursive, with the first name "Henry" being the most prominent.

Henry Gibson

Patent Attorney for Applicant

Reg. No. 28,951

July 11, 2005

Pittsfield, Massachusetts

413-448-4845